



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1079

S.P. 361

In Senate, March 19, 2013

An Act To Provide for Alternatives for the Courts To Address Settlement of Fines in Certain Cases

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CUSHING of Penobscot.
Cosponsored by Representative CROCKETT of Bethel and
Senators: BURNS of Washington, MASON of Androscoggin, PLUMMER of Cumberland,
Representatives: CAREY of Lewiston, FREDETTE of Newport, MARKS of Pittston.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §1304, sub-§2-A** is enacted to read:

3 **2-A. Prehearing alternative fine disposition.** Prior to initiating a motion to enforce
4 payment of a fine pursuant to subsection 3, if the unexcused default relates to a fine
5 imposed for a Class D or Class E crime, as authorized by this chapter, the court may offer
6 the offender the option of performing community service work, as authorized in chapter
7 54-C, until all or a specified part of the fine is paid. If the offender agrees, the court shall
8 issue an order specifying the number of hours of community service work to be
9 performed. The offender must receive a credit against the unpaid fine of no less than \$25
10 for every 8 hours of community service work completed, which may not exceed 100
11 8-hour days. An offender ordered to perform community service work pursuant to this
12 subsection is given credit toward the payment of the fine for each 8-hour day of
13 community service work performed at the rate specified in the court's order. The offender
14 is also given credit toward the payment of the fine for each day that the offender is
15 detained as a result of an arrest warrant issued pursuant to this section at a rate specified
16 in the court's order that is up to \$100 of unpaid fine per day of confinement. An offender
17 is responsible for paying any fine remaining after receiving credit for any detention and
18 for community service work performed. A default on the remaining fine is also governed
19 by this section.

20 An offender who declines the option of performing community service work under this
21 subsection continues to be subject to the other provisions of this section.

22 **SUMMARY**

23 Current law allows a court, when an offender defaults in payment of a fine imposed
24 for a conviction of a Class D or Class E crime, to order the offender to perform
25 community service work. The order may be issued only following a default hearing at
26 which the offender is entitled to legal counsel.

27 This bill allows the court, prior to the default hearing, to offer the offender the option
28 of performing community service work under the same terms and conditions as
29 community service work ordered after the default hearing.